

will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1108, de novo;

Conference report on H.R. 4040, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1108, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 1108, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BARTON of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 326, nays 102, not voting 6, as follows:

[Roll No. 542]

YEAS—326

Abercrombie	Castor	Everett
Ackerman	Cazayoux	Fallin
Alexander	Chabot	Farr
Allen	Chandler	Fattah
Altmire	Childers	Ferguson
Andrews	Clarke	Filner
Arcuri	Clay	Fortenberry
Baird	Cleaver	Fossella
Baldwin	Clyburn	Foster
Barrow	Cohen	Frank (MA)
Bartlett (MD)	Conyers	Frelinghuysen
Bean	Cooper	Galleghy
Becerra	Costa	Gerlach
Berkley	Costello	Giffords
Berman	Courtney	Gilchrest
Berry	Cramer	Gillibrand
Biggert	Crenshaw	Gonzalez
Bilbray	Crowley	Gordon
Bilirakis	Cuellar	Granger
Bishop (GA)	Cummings	Graves
Bishop (NY)	Davis (AL)	Green, Al
Blumenauer	Davis (CA)	Green, Gene
Bonner	Davis (IL)	Grijalva
Bono Mack	Davis, Tom	Gutierrez
Boozman	DeFazio	Boehner
Boren	DeGette	Hall (NY)
Boswell	Delahunt	Hall (TX)
Boucher	DeLauro	Hare
Boyd (FL)	Dent	Harman
Boyd (KS)	Dicks	Hastings (FL)
Brady (PA)	Dingell	Hastings (WA)
Brady (TX)	Doggett	Herseth Sandlin
Braley (IA)	Donnelly	Higgins
Brown (SC)	Doyle	Hill
Brown, Corrine	Drake	Hinchey
Buchanan	Dreier	Hinojosa
Burton (IN)	Duncan	Hirono
Butterfield	Edwards (MD)	Hobson
Camp (MI)	Edwards (TX)	Hodes
Cantor	Ehlers	Hoekstra
Capito	Ellison	Holden
Capps	Ellsworth	Holt
Capuano	Emanuel	Honda
Cardoza	Emerson	Hooley
Carnahan	Engel	Hoyer
Carney	English (PA)	Inslee
Carson	Eshoo	Israel
Castle	Etheridge	Jackson (IL)

Jackson-Lee (TX)	Mitchell	Shays
Jefferson	Mollohan	Shea-Porter
Johnson (GA)	Moore (KS)	Sherman
Johnson (IL)	Moore (WI)	Shimkus
Johnson, E. B.	Moran (KS)	Shuster
Johnson, Sam	Moran (VA)	Simpson
Jones (OH)	Murphy (CT)	Sires
Kagen	Jones (OH)	Skelton
Kanjorski	Murphy, Patrick	Slaughter
Kaptur	Murphy, Tim	Smith (NJ)
Kennedy	Murtha	Smith (TX)
Kildee	Nadler	Smith (WA)
Kilpatrick	Napolitano	Snyder
Kind	Neal (MA)	Solis
King (NY)	Oberstar	Space
Kirk	Obey	Speier
Klein (FL)	Olver	Spratt
Knollenberg	Ortiz	Stark
Kucinich	Pallone	Stupak
Kuhl (NY)	Pascarell	Sutton
LaHood	Pastor	Tanner
Lampson	Payne	Tauscher
Langevin	Perlmutter	Taylor
Larsen (WA)	Peterson (MN)	Terry
Larson (CT)	Peterson (PA)	Thompson (CA)
LaTourette	Pickering	Thompson (MS)
Lee	Platts	Tiahrt
Levin	Pomeroy	Tiberi
Lewis (GA)	Porter	Tierney
Linder	Price (NC)	Towns
Lipinski	Pryce (OH)	Tsongas
LoBiondo	Putnam	Turner
Loeb sack	Rahall	Udall (CO)
Lofgren, Zoe	Ramstad	Udall (NM)
Lowe y	Regula	Upton
Lynch	Rehberg	Van Hollen
Mahoney (FL)	Reichert	Velázquez
Manzullo	Renzi	Visclosky
Mark ey	Reyes	Walden (OR)
Marshall	Richardson	Walsh (NY)
Matheson	Rodriguez	Walz (MN)
Matsui	Rogers (AL)	Wamp
McCarthy (CA)	Rogers (MI)	Wasserman
McCarthy (NY)	Ros-Lehtinen	Schultz
McCaul (TX)	Roskam	Waters
McCollum (MN)	Ross	Watson
McDermott	Rothman	Watt
McGovern	Roybal-Allard	Waxman
McHugh	Ruppersberger	Weiner
McIntyre	Rush	Welch (VT)
McKeon	Ryan (OH)	Weller
McMorris	Salazar	Wexler
Rodgers	Sánchez, Linda T.	Wilson (NM)
McNerney	Sanchez, Loretta	Wilson (OH)
McNulty	Sarbanes	Wittman (VA)
Meek (FL)	Saxton	Wolf
Meeks (NY)	Schakowsky	Woolsey
Melancon	Schiff	Wu
Michaud	Schwartz	Yarmuth
Miller (MI)	Scott (GA)	Young (AK)
Miller (NC)	Scott (VA)	Young (FL)
Miller, George	Serrano	
	Sestak	

NAYS—102

Aderholt	Franks (AZ)	Miller (FL)
Akin	Garrett (NJ)	Miller, Gary
Baca	Gingrey	Musgrave
Bachmann	Gohmert	Myrick
Bachus	Goode	Neugebauer
Barrett (SC)	Goodlatte	Nunes
Barton (TX)	Hayes	Paul
Bishop (UT)	Heller	Pearce
Blackburn	Hensarling	Pence
Boehner	Herger	Petri
Boustany	Hunter	Pitts
Broun (GA)	Inglis (SC)	Poe
Burgess	Issa	Price (GA)
Buyer	Jones (NC)	Radanovich
Calvert	Jordan	Reynolds
Campbell (CA)	Keller	Rogers (KY)
Cannon	King (IA)	Rohrabacher
Carter	Kingston	Royce
Coble	Kline (MN)	Ryan (WI)
Cole (OK)	Lamborn	Sali
Conaway	Latham	Scalise
Culberson	Latta	Schmidt
Davis (KY)	Lewis (CA)	Sensenbrenner
Davis, David	Lewis (KY)	Sessions
Davis, Lincoln	Lucas	Shadegg
Deal (GA)	Lungren, Daniel E.	Shuler
Diaz-Balart, L.	Mack	Smith (NE)
Diaz-Balart, M.	Marchant	Souder
Doolittle	McCotter	Stearns
Feeney	Flake	Sullivan
Inslee	McCrery	Tancredo
Forbes	McHenry	
Foxx	Mica	

Thornberry	Weldon (FL)	Whitfield (KY)
Walberg	Westmoreland	Wilson (SC)

NOT VOTING—6

Blunt	Cubin	Rangel
Brown-Waite, Ginny	Hulshof	
	Maloney (NY)	

Messrs. SULLIVAN, SOUDER, CARTER, WALBERG and ISSA changed their vote from “yea” to “nay.”

Mrs. JONES of Ohio, Mr. TIAHRT and Ms. FALLIN changed their vote from “nay” to “yea.”

□ 1836

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4040, CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008

The SPEAKER pro tempore (Mr. CUELLAR). The unfinished business is the vote on the motion to suspend the rules and agree to the conference report to the bill, H.R. 4040, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and agree to the conference report to the bill, H.R. 4040.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 1, not voting 9, as follows:

[Roll No. 543]

YEAS—424

Abercrombie	Boustany	Cooper
Ackerman	Boyd (FL)	Costa
Aderholt	Boyda (KS)	Costello
Akin	Brady (PA)	Courtney
Alexander	Brady (TX)	Cramer
Allen	Braley (IA)	Crenshaw
Altmire	Brown (SC)	Crowley
Andrews	Brown, Corrine	Cuellar
Arcuri	Buchanan	Culberson
Baca	Burgess	Cummings
Bachmann	Burton (IN)	Davis (AL)
Bachus	Butterfield	Davis (CA)
Baird	Calvert	Davis (IL)
Baldwin	Camp (MI)	Davis (KY)
Barrett (SC)	Campbell (CA)	Davis, David
Barrow	Cannon	Davis, Lincoln
Bartlett (MD)	Cantor	Davis, Tom
Barton (TX)	Capito	Deal (GA)
Bean	Capps	DeFazio
Becerra	Capuano	DeGette
Berkley	Cardoza	Delahunt
Berman	Carnahan	DeLauro
Berry	Carney	Dent
Biggert	Carson	Diaz-Balart, L.
Bilbray	Carter	Diaz-Balart, M.
Bilirakis	Castle	Dingell
Bishop (GA)	Castor	Doggett
Bishop (NY)	Cazayoux	Donnelly
Bishop (UT)	Chabot	Doolittle
Blackburn	Chandler	Doyle
Blumenauer	Childers	Drake
Blunt	Clarke	Dreier
Boehner	Clay	Duncan
Bonner	Cleaver	Edwards (MD)
Bono Mack	Clyburn	Edwards (TX)
Boozman	Coble	Ehlers
Boren	Cohen	Ellison
Boswell	Cole (OK)	Ellsworth
Boucher	Conaway	Emanuel

Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseeth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson

Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Muschgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarella
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad

Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Tiberi
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)

Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)

Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf

Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—9

Broun (GA)
Brown-Waite,
Ginny
Buyer

Conyers
Cubin
Dicks
Hulshof

Maloney (NY)
Rangel

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members, there are 2 minutes remaining on this vote.

□ 1845

So (two-thirds being in the affirmative) the rules were suspended and the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2260

Mr. BOREN. Mr. Speaker, I ask unanimous consent to remove my name from H.R. 2260.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

EMPLOYEE VERIFICATION AMENDMENT ACT OF 2008

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6633) to evaluate and extend the basic pilot program for employment eligibility confirmation and to ensure the protection of Social Security beneficiaries.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employee Verification Amendment Act of 2008".

SEC. 2. EXTENSION OF PROGRAMS.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "11-year period" and inserting "16-year period".

SEC. 3. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.

(a) FUNDING UNDER AGREEMENT.—Effective for fiscal years beginning on or after October 1, 2008, the Commissioner of Social Security and the Secretary of Homeland Security shall enter into and maintain an agreement which shall—

(1) provide funds to the Commissioner for the full costs of the responsibilities of the Commissioner under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), including (but not limited to)—

(A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner under such section 404, but only that portion of such costs that

are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest a tentative nonconfirmation provided by the basic pilot confirmation system established under such section;

(2) provide such funds quarterly in advance of the applicable quarter based on estimating methodology agreed to by the Commissioner and the Secretary (except in such instances where the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(3) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be reviewed by the Office of Inspector General of the Social Security Administration and the Department of Homeland Security.

(b) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—In any case in which the agreement required under subsection (a) for any fiscal year beginning on or after October 1, 2008, has not been reached as of October 1 of such fiscal year, the latest agreement between the Commissioner and the Secretary of Homeland Security providing for funding to cover the costs of the responsibilities of the Commissioner under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be deemed in effect on an interim basis for such fiscal year until such time as an agreement required under subsection (a) is subsequently reached, except that the terms of such interim agreement shall be modified by the Director of the Office of Management and Budget to adjust for inflation and any increase or decrease in the volume of requests under the basic pilot confirmation system. In any case in which an interim agreement applies for any fiscal year under this subsection, the Commissioner and the Secretary shall, not later than October 1 of such fiscal year, notify the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives and the Committee on Finance, the Committee on the Judiciary, and the Committee on Appropriations of the Senate of the failure to reach the agreement required under subsection (a) for such fiscal year. Until such time as the agreement required under subsection (a) has been reached for such fiscal year, the Commissioner and the Secretary shall, not later than the end of each 90-day period after October 1 of such fiscal year, notify such Committees of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement.

SEC. 4. GAO STUDY OF BASIC PILOT CONFIRMATION SYSTEM.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study regarding erroneous tentative nonconfirmations under the basic pilot confirmation system established under section 404(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

(b) MATTERS TO BE STUDIED.—In the study required under subsection (a), the Comptroller General shall determine and analyze—

(1) the causes of erroneous tentative nonconfirmations under the basic pilot confirmation system;

(2) the processes by which such erroneous tentative nonconfirmations are remedied; and

(3) the effect of such erroneous tentative nonconfirmations on individuals, employers, and Federal agencies.